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12-08-00

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PTO/SB/05 (11/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Attorney Docket No. 674538-2001
First Inventor Choo et al.
Title **REGULATED GENE EXPRESSION IN PLANTS**
Express Mail Label No. EF308561945US

Only for new nonprovisional applications under 37 CFR 1.53(b)

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 71]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix.
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration [Total Pages 2]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CFR)
- b. Specification sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement
☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach from PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: PCT/GB001/02071
Prior application information: Examiner: N/A Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon which a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name **Susan K. Lehnhardt Ph.D.**
FROMMER LAWRENCE & HAUG LLP

Address **745 Fifth Avenue**

City **New York**

State **NY**

Zip Code

10151

Country **U.S.**

Telephone **(212) 588-0800**

Fax **(212) 588-0500**

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231**

CMG0028

12/07/00
09/732348
jc962 U.S. Pro

FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 2000.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

Complete if Known**TOTAL AMOUNT OF PAYMENT****(\$)** 980.00

Application Number

Filing Date

December 7, 2000

First Named Inventor

Choo et al.

Examiner Name

Group/Art Unit

Attorney Docket No.

674538-2001**METHOD OF PAYMENT**1. ☐

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Frommer Lawrence & Haug LLP**50-0320**☒Charge any Additional Fee
Required Under 37 CFR 1.16 and 1.17☐

Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☐

Payment Enclosed

☒

Check

☐

Money Order

☐

Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	\$710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					\$710.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid
9	-20** = 0	X	
Ind. Claims	3	-3** = 0	X
Multiple Dependent		X	\$270.00

** or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	39	Independent claims in excess of 3
104	270	204	130	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
107	490	207	245	Plant filing fee
SUBTOTAL (2)				(\$980.00)

FEE CALCULATION**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205		Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request of reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth Month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	160	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use Proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive- unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional Applications	
126	240	126	240	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3)					(\$)

* Reduced by Basic Filing Fee

SUBMITTED BY

Typed or Printed Name

Susan K. Lehnhardt
Yufeng Liu
Thomas J. Kowalski
Marilyn M. Brogan

Signature

Marilyn M. Brogan

Date

12/7/00

Complete (if applicable)

Reg. Number

33,943

Reg. Number

45,379

Reg. Number

32,147

Reg. Number

31,086

Deposit Account

50-0320

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Choo et al.
Serial No. : To be assigned
Filed : December 7, 2000
For : REGULATED GENE EXPRESSION IN PLANTS
Unit : To be assigned
Examiner : To be assigned



745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EF308561945US

Date of Deposit: December 7, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Charles Jackson
(Typed or printed name of person mailing paper or fee)

Charles Jackson
(Signature of person mailing paper or fee)

TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

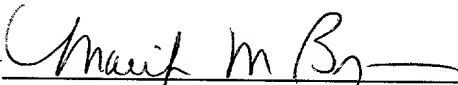
Enclosed are:

1. Patent Specification;
2. Declaration for Patent Application and Power of Attorney;
3. Drawings;
4. Fee Transmittal;

5. Utility Patent Application Transmittal;
6. Diskette containing Sequence Listing;
7. Paper copy of Sequence Listing;
8. Statement to Support Filing and Submission In Accordance with 37 C.F.R. §§
1.821 - 1.825
9. Check in the amount of \$980.00; and
10. Return-receipt postcard;

In the event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, applicants petition for any required relief including extensions of time and authorize the Assistant Commission to charge the cost of such petitions and/or other fees due to our **Deposit Account No.: 50-0320**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas J. Kowalski
Registration No. 32,147
Marilyn M. Brogan
Registration No. 31,086
Yufeng Liu
Reg. No. 45,379
Susan K. Lehnhardt
Reg. No. 33,943
(212) 588-0800

Enclosures